

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Request for Review of Decisions by the Universal	)	CC Docket No. 02-6
Service Administrator for	)	
SAN RAMON VALLEY UNIFIED	)	
SCHOOL DISTRICT,	)	
(DANVILLE, CALIFORNIA)	)	

Billed Entity No. 144183, of

Decision of Universal Service Administrator  
Schools and Libraries Universal Service  
Support Mechanism  
Funding Year 2018  
Form 471 App. No. 181035231  
FRNs 1899067688, 1899067716, 1899067743

**REQUEST FOR REVIEW**

**INTRODUCTION**

The San Ramon Valley Unified School District, (the "District") pursuant to and in accordance with Sections 54.719 – 54.725 of the Federal Communications Commission’s (“FCC” or Commission”) rules, hereby requests for the FCC to overturn the denial issued by the Universal Service Administrative Company (“USAC”), as administrator of the National Education Rate Program (“E-Rate”) per the Revised Funding Commitment Decision Letter that, upheld in an appeal filed on September 21, 2018. The original Funding Commitment Decision Letter denial issued by USAC on July 27, 2018, stated that the RFP did not allow for equivalent certifications and therefore, did not conduct a fair and open

competitive bid process (See *Exhibit 5 - San Ramon Valley Unif Sch Dist Funding Commitment Decision Letter*). On September 21, 2018, an appeal was submitted to USAC asserting that the scope of the RFP was limited to installation and labor only for “owner furnished” cable (See *Exhibit 6 - “San Ramon Valley USD C2 USAC Appeal FY 2018”*). All equipment and materials would be furnished by the District rendering the inclusion of “or equivalent” completely irrelevant to this situation. USAC denied the appeal in the Revised Funding Commitment Decision Letter (RFCDL) dated October 1, 2018 (See *Exhibit 1- “SAN RAMON VALLEY UNIF SCH DIST Revised Funding Commitment Decision Letter”*) citing a competitive bid violation that also referenced the *Queen of Peace High School, Burbank, Illinois Order*<sup>1</sup>

## **BACKGROUND**

San Ramon Valley Unified School District is located in northwestern California and is comprised of twenty-two elementary schools, eight middle schools, five high schools and one independent study school. Under this regulatory authority, the District annually submits E-Rate application(s) for eligible services.

In Funding Year 2018, the District filed four (4) Form 471 applications for Category 2 services. The District’s FCC Form 471 181035231 consisted of three Funding Requests for installation and labor only relating to supplemental wiring at three (3) middle school sites. There was no equipment being requested as all of the wiring materials were to be provided by the District for the awarded service provider to install.

On April 9, 2018 a Selective Review Information Request (SRIR) was issued to the District for E-Rate Funding Year 2018-2019 which encompassed all of the FCC Form 471’s filed for that Funding Year. The District submitted all of the documentation to the SRIR reviewer. Among those documents was the Request for Proposal (RFP) that was posted in conjunction with the establishing FCC Form 470 180014601. (See *Exhibit 2 - “RFP 763 – Wiring Middle Schools”*, *Exhibit 3 - “SRVUSD Data*

<sup>1</sup> Order DA 11-1991, Rel. December 7, 2011, CC Docket 02-6 Queen of Peace, File no. SLD-667006 Schools and Libraries Universal Service Support Mechanism

*Specifications” and Exhibit 7 - “SanRamonValleyUSD470Y2018C2- Cabling Middle Sites - #180014601).*

After all of the initial documentation was submitted, the reviewer issued the following Intent to Deny notification:

*“It was determined that Form 471 # 181035231 FRN 1899067688, 1899067716 & 1899067743 will be denied because the RFP “RFP763 - Network Wiring Middle Schools” and “SRVUSD Data Technical Specifications 2018” that you have cited contains a particular manufacturer’s name, brand, product or service: Contractor shall be a currently registered Panduit Silver, Gold or Platinum Panduit Partner at the time of bid and installation, but did not include the words “or equivalent” to describe the requested products or services. For additional information on the competitive bidding process, please refer to the USAC website at:*

*<http://www.usac.org/sl/applicants/step01/default.aspx>.”*

The District’s immediate response reads as follows:

*“We do not agree with the determination by USAC that Form 471 # 181035231 FRN 1899067688, 1899067716 & 1899067743 should be denied due to competitive bidding violations. FCC Form 470 # 180014601 and referenced RFP “RFP763 - Network Wiring Middle Schools” and “SRVUSD Data Technical Specifications 2018” is a **request for labor and installation only**. There are no products or equipment being requested in either the Form 470 or RFP. All materials are being provided by the District for the prospective vendors to install. This is indicated on page 4 of “RFP763 - Network Wiring Middle Schools”, under INTRODUCTION, the end of the first paragraph: “Materials will be provided by the district”. **Therefore, the words “or equivalent” are not applicable since there is not an equivalent for labor or installation.** (See Exhibit 4 - “SRIR Inquiry Dated July 12, 2018 for Competitive Bidding”).*

The FCC Form 470 180014601 requested INSTALLATION only, no products. In fact, the drop down menu options for service items on a LABOR ONLY Form 470 do not include the words “or equivalent” because labor is labor and there *is no equivalent*.

Excerpt from FCC Form 470 180014601:

Email gpitzer@srvusd.net

### Services Requested

There are no Services Requested For Category 1

**Category 2: Internal Connections and Managed Internal Broadband Services**

Type	Function	Number Entities	Quantity	Unit	Manufacturer	Manufacturer Other Description	Installation and Initial Configuration ?	Associated RFP
Internal Connections	Cabling	3		Feet	Other	Labor, Installation and/or Professional Services Only	Yes	<a href="#">View RFP Documents</a>

**Category Two Narrative**

District is seeking pricing for Installation of Classroom Network Wiring. For a complete description of Installation of Classroom Network Wiring please refer to "Request for Proposal #763 - Installation of Classroom Network Wiring".

[View RFP Documents](#)

Ultimately, USAC did not agree with the rationale and documentation submitted in response to the Selective Review and denied funding for FCC Form 471 181035231 on July 27, 2018. The Appeal was submitted to USAC within 60 days of the Funding Commitment Letter (September 21, 2018) which was subsequently denied on October 1, 2018.

We respectfully disagreed with USAC’s decision to deny the appeal of the Funding Commitment Decision for FCC Form 471 181035231. The District filed FCC Form 471 181035231 requesting E-Rate funding for installation and labor services for which there is no equivalent. Therefore, the competitive bidding violations didn’t occur as the “or equivalent” requirement doesn’t apply in this case because there isn’t an “equivalent” on physical labor or installation services that can only be provided by human functions.

**Conclusion**

San Ramon Valley Unified School respectfully requests the Commission to overturn the USAC appeal denial, issued October 1, 2018 and that the District be approved for the requested funding on FCC Form 471 181035231, FRNs 1899067688, 1899067716 and 1899067743.

Respectfully Submitted,

/S/

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